

Message Text

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ACTION EB-11

INFO OCT-01 ARA-16 ISO-00 CIAE-00 DODE-00 NSAE-00 NSCE-00

SSO-00 USIE-00 INRE-00 CAB-09 COME-00 DOTE-00 INR-10

RSC-01 FAA-00 PRS-01 L-03 SS-20 NSC-07 DRC-01 /080 W

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FM AMEMBASSY LIMA

TO SECSTATE WASHDC IMMEDIATE 0579

C O N F I D E N T I A L LIMA 4851

E.O. 11652: GDS

TAGS: ETRN, PE

SUBJECT: CIVAIR - DGTA DEMANDS BRANIFF REVERT TO 1973 SCHEDULE

REF: LIMA 4727

1. SUMMARY: PROBLEM OF BRANIFF SCHEDULE CHANGE TOOK TURN FOR WORSE JUNE 14 WITH RECEIPT BY BRANIFF OF ULTIMATUM FROM DGTA WHICH DEMANDED THAT IT REVERT TO SCHEDULE IN EFFECT APRIL 24, 1973. DGTA SET DEADLINE OF THURSDAY, JUNE 20. THIS DEMAND NOT ONLY CONTRARY TO BILATERAL BUT ACCORDING TO BRANIFF WOULD BE TECHNICALLY IMPOSSIBLE TO MEET. AFTER CONFERRING WITH BRANIFF ATTORNEY DEL SOLAR, EMBASSY OFFICERS MET WITH AMBASSADOR MARCHAND OF FOREIGN MINISTRY ON MORNING JUNE 17. MARCHAND EXPRESSED COMPLETE UNDERSTANDING BUT NOTED MATTER VERY DELICATE. HE ASKED EMBASSY SEND NOTE REQUEST URGENT GOP RESPONSE TO EARLIER NOTE SUGGESTING CONSULTATIONS. COMMENT: WE THINK MARCHAND'S TACTIC IS INTENDED TO RAISE MATTER TO GOVERNMENT-TO-GOVERNMENT LEVEL, THEREBY REMOVING IT FROM EXCLUSIVE JURISDICTION OF MINISTRY OF TRANSPORT TO JOINT JURISDICTION INCLUDING MINISTRY OF FOREIGN RELATIONS. HOWEVER, BOTH MINISTER MENESES AND DE LA FLOR ARE AMONG MORE NATIONALISTIC MEMBERS OF CABINET AND WE ARE NOT SURE TACTIC WILL BE EFFECTIVE. END SUMMARY

2. DEL SOLAR OF BRANIFF INFORMED EMBASSY LATER AFTERNOON JUNE 14 THAT BRANIFF HAD RECEIVED ABRUPT LETTER DATED THAT
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DAY FROM DGTA WHICH RESCINDED APPROVAL GIVEN TO THREE BRANIFF

SCHEDULE CHANGES INSTITUTED SINCE APRIL 1973 AND ORDERED THAT AS OF THURSDAY, JUNE 20, BRANIFF MUST REVERT TO SCHEDULE IN EFFECT APRIL 24, 1973. DEL SOLAR EXPRESSED CONSIDERABLE CONCERN AT THIS UNEXPECTED TURN OF EVENTS AND SAID HE WOULD MEET WITH MARCHAND OF FOREIGN MINISTRY (A PERSONAL FRIEND) TO REVIEW MATTER WITH HIM.

3. EMBASSY OFFICERS MET WITH DEL SOLAR ON JUNE 15. HE SAID MARCHAND HAD BEEN MOST UNDERSTANDING BUT HAD INDICATED SOME DOUBT THAT SITUATION COULD NOW BE REVERSED. MARCHAND SAID HE WOULD TAKE MATTER UP WITH FOREIGN MINISTER DE LA FLOR ON URGENT BASIS ON SUNDAY. MARCHAND TOLD DE SOLAR HE MIGHT BE IN POSITION TO INFORM EMBASSY OFFICERS OF MINISTER'S REACTION AT MEETING PREVIOUSLY ARRANGED FOR MORNING JUNE 17.

4. DEL SOLAR SAID LETTER HAD BEEN SENT AT INITIATIVE OF ACTING DGTA, COL. CARLOS URTEAGA CABRERA, WITH ENCOURAGEMENT OF CIVILIAN ADVISORS UNFRIENDLY TO U.S. LETTER HAD NOT BEEN CLEARED WITH MINISTER MENESES OR WITH OTHER MINISTRY OFFICIALS AND WOULD UNDOUBTEDLY NEVER HAVE BEEN WRITTEN WERE GENERAL BERCKEMEYER IN LIMA. UNFORTUNATELY, FACED WITH FAIT ACCOMPLI, TRANSPORT MINISTER MENESES WOULD PROBABLY BACK HIS SUBORDINATE, AND IT WILL PROBABLY BE VERY DIFFICULT TO DEVISE A FACE-SAVING FORMULA WHEREBY DEMAND COULD BE WITHDRAWN.

5. DEL SOLAR SAID IT WOULD TECHNICALLY BE COMPLETELY IMPOSSIBLE TO MEET DGTA'S DEMANDS, EVEN IF IT WERE CONSISTENT WITH AVIATION BILATERAL. IT WOULD MEAN DISRUPTING SCHEDULES ALL OVER THE HEMISPHERE, CANCELLING FLIGHTS ALREADY BOOKS, ETC. AT THE SAME TIME, CONTINUING TO FLY PRESENT SCHEDULE IN FACE OF SUCH CLEAR ULTIMATUM COULD RISK EVEN MORE SERIOUS CONFRONTATION.

6. DCM AND ECONOMIC COUNSELOR MET WITH MARCHAND MORNING JUNE 17. MARCHAND EXPRESSED COMPLETE UNDERSTANDING, BUT COMMENTED THAT MATTER WAS "DELICATE". HE REFERRED TO AIDE MEMOIRE DELIVERED BY AMBASSADOR TO FOREIGN MINISTER JUNE 12 (SEE REFTEL), AND SUGGESTED EMBASSY SEND SECOND NOTE REQUESTING URGENT REPLY BY GOP TO SUGGESTION THAT CONSULTATIONS TAKE PLACE UNDER BILATERAL. EMBASSY OFFICERS AGREED TO DO SO. CONFIDENTIAL

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MARCHAND ALSO DRAFTED INTERNAL FONMIN MEMORANDUM TO MINISTER OUTLINING PROBLEM AND SUGGESTING MINISTER DISCUSS MATTER ON URGENT BASIS WITH TRANSPORT MINISTER MENESES, PRESUMABLY PRIOR TO OR DURING TOMORROW'S CABINET MEETING (JUNE 18).

7. COMMENT: DESPITE HELPFUL AND UNDERSTANDING ATTITUDE ON PART MARCHAND, MATTER REMAINS DIFFICULT. MARCHAND'S TACTIC SEEMS TO BE TO RAISE MATTER TO GOVERNMENT-TO-GOVERNMENT LEVEL,

THUS REMOVING IT FROM CONTEXT DGTA/BRANIFF NEGOTIATIONS. THIS
WOULD DEFUSE SITUATION AND PROVIDE FACE-SAVING OUT FOR DGTA.
HOWEVER, BOTH DE LA FLOR AND MENESES ARE AMONG MOST NATIONAL-
ISTIC MEMBERS OF CABINET, AND IT DIFFICULT FORECAST HOW
COOPERATIVE THEY ARE LIKELY TO BE. ONE OF MOST DIFFICULT
ASPECTS OF PROBLEM IS THAT BRANIFF IS OPERATING UNDER A TIGHT
DEADLINE AND MUST DECIDE WHAT IT SHOULD DO IF MATTER NOT
RESOLVED BY JUNE 20.
DEAN

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: CIVIL AVIATION, AIRLINES, AIR SCHEDULES, FOREIGN POLICY POSITION
Control Number: n/a
Copy: SINGLE
Draft Date: 17 JUN 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: WorrelSW
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974LIMA04851
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D740157-0970
From: LIMA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740640/aaaabhux.tel
Line Count: 124
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EB
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: LIMA 4727
Review Action: RELEASED, APPROVED
Review Authority: WorrelSW
Review Comment: n/a
Review Content Flags:
Review Date: 19 SEP 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <19 SEP 2002 by rowelle0>; APPROVED <14 FEB 2003 by WorrelSW>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: CIVAIR - DGTA DEMANDS BRANIFF REVERT TO 1973 SCHEDULE
TAGS: ETRN, PE, US, BRANIFF
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005